

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

Criminal Case No. 15-cr-4268-JB

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANGEL DELEON, et al,

Defendants.

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**OBJECTIONS TO GOVERNMENT’S EXHIBITS (DOC. NO. 1979 and  
2088)**

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Defendant Billy Garcia and the remaining trial two defendants jointly object to the government’s exhibits as set forth below:

1. As the defense has not yet had the opportunity to review the government’s actual exhibits in detail, this written objection should not be considered to be a comprehensive list of all so that the parties and the Court may satisfy with the aspirations of Fed. R. Evid. 103 that, “[t]o the extent practicable, the court must conduct a jury trial so that inadmissible evidence is not suggested to the jury by any means.” See also Fed. R. Evid. 104 (c) (“The court must conduct any hearing on a preliminary question so that the jury cannot hear it if: (1) the

hearing involves the admissibility of a confession; (2) a defendant in a criminal case is a witness and so requests; or (3) justice so requires.)<sup>1</sup>

2. Exhibits 76, 77, 172, 173, 282, 283 purport to be “timelines” and “flowcharts” of the events regarding counts 1-3. These documents constitute hearsay, testimonial statements in violation of the sixth amendment right to confrontation and are argumentative.

3. Exhibits 81, 85, 90, 178, 182, 288, 538 purport to be the “penitentiary packs” of defendants Billy Garcia, Allen Patterson, Christopher Chavez, Joseph Gallegos, Edward Troup, Arturo Garcia, and Andrew Gallegos, respectively. These materials constitute hearsay and testimonial statements in violation of the sixth amendment right to confrontation and should be excluded under Fed. R. Evid. 403. The defendants also object to certain portions of the “penitentiary packs” of the government’s witnesses.

4. Exhibits 82, 86, 91, 179, 183, 289, 539 purport to be the “Security Threat Intelligence Unit” files of defendants Billy Garcia, Allen Patterson, Christopher Chavez, Joseph Gallegos, Edward Troup, Arturo Garcia, and Andrew Gallegos, respectively. These materials constitute hearsay and testimonial statements in violation of the sixth amendment right to confrontation and should be

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<sup>1</sup> The defense did receive a disk with the government's exhibits at 5:00 PM on today's date, but given the number of exhibits, the defense has not yet been able to review them with any degree of particularity.

excluded under Fed. R. Evid. 403. The defendants' also object to certain portions of the "Security Threat Intelligence Unit" files of the government's witnesses.

5. Defendant Billy Garcia objects to exhibit 590 due to lack of authentication, relevance and under Fed. R. Evid. 403.

6. The defendants object to exhibits 591-595 based on a lack of foundation, relevancy and under Fed. R. Evid. 403.

7. Billy Garcia objects to exhibit 753 based on previously raised sixth amendment confrontation grounds.

8. The government has listed numerous photos as exhibits without specificity. The defense has just received these exhibits this evening and will make objections at the time that such exhibits are offered.

9. The defendants reiterate their objections to portions of the cooperating witnesses' plea agreements as redacted copies have not been provided or reviewed as required by this Court's prior rulings.

Respectfully submitted this 9th day of April, 2018.

/s/ Jim Castle  
Robert Cooper  
Jim Castle  
Attorneys for Billy Garcia (5)

**CERTIFICATE OF SERVICE**

I hereby certify that on April 9th, 2017, I presented the foregoing to the Clerk of the Court for filing and uploading to the CM/ECF system which will send notification of such filing to counsel of record.

/s/ James A. Castle  
James A. Castle